

**AN ORDINANCE 100148**

**AN ORDINANCE AUTHORIZING THE AMENDMENT OF A CURRENT PROFESSIONAL SERVICES AGREEMENT WITH RABA-KISTNER CONSULTANTS, INC., TO INCLUDE ADDITIONAL ENVIRONMENTAL ACTIVITIES, INCLUDING PHASE I, PHASE II, AND PHASE III ENVIRONMENTAL ASSESSMENTS, AS MAY BE REQUIRED, FOR THE TEXAS A&M UNIVERSITY CAMPUS, IN AN AMOUNT NOT TO EXCEED \$200,000.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

\* \* \* \* \*

**WHEREAS**, under authority of Ordinance No. 97612, acted upon by City Council on May 15, 2003, the City of San Antonio authorized an On-Call (Stand-by) Professional Environmental Engineering Services Agreement with Raba-Kistner Consultants, Inc., to provide as-needed environmental consulting and remediation oversight activities associated with the management of closed municipal solid waste landfills and various City environmental projects; and

**WHEREAS**, the scope of this agreement embraces services required for environmental due diligence necessary to investigation of conditions on portions of the site destined to become the Texas A&M University at San Antonio, and the consideration cap must be amended to allow for this project; and

**WHEREAS**, Environmental Assessment Phases I, II, and III may be required, encompassing historical study of prior land uses, initial sampling and testing, follow up testing and sampling, remediation plan design, and physical remediation oversight, if necessary, as any or all may be requested and performed on an as needed, stand-by basis in response to work orders from the City's Department of Environmental Services; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Interim City Manager or his designee is hereby authorized to execute all documents necessary to amend and adjust the existing agreement between the City of San Antonio and Raba-Kistner Consultants, Inc. (R-KCI), to effect changes in compensation caps, and modify other provisions, as may be required and as may be drafted and approved by the Office of the City Attorney, to enable R-KCI to perform all environmental assessments appropriate to evaluation of the site tentatively destined to become the Texas A&M University Campus; to design remediation plans, if necessary; and, to provide appropriate professional oversight of remediation efforts if necessary. The initial agreement between the parties provided for compensation not to exceed \$150,000.00 for the life of the contract and all its optional terms.

**SECTION 2.** Performance of the tasks recited in Section 1 above, for the Texas A&M University project, are authorized to be compensated for a sum not to exceed \$200,000.00, on an as needed, stand-by basis. By the amendment, the City shall guarantee no minimum volume of work and shall not be obligated to expend the entire sum, recited within the cap. The City shall direct R-KCI to proceed from one assessment, design, or remediation oversight task to another at the City's discretion.

**SECTION 3.** The instant amendment shall enable the existing agreement between the parties to be extended beyond the present termination date of the agreement authorized by Ordinance No. 97612, which expiration date is currently May 24, 2005, and such interim extension shall be effective for this Texas A&M project, and for only this project, until such time as the City, in its discretion, determines the project is either complete or the City opts to withdraw from investigation or remediation of the site. At its option, the City may further renew and extend the existing contract for a full annual option term, as provided in the original contract, upon notice to R-KCI, at any time during the interim extension.

**SECTION 4.** The authority granted by this ordinance to the City Manager and his designee to negotiate and execute all amendment documents shall expire 45 days from date of passage of this enabling ordinance. An initial draft copy of the Amendment is appended hereto as Attachment I, for purposes of illustration only, while scoping is incomplete, and there being an exigent need to commence environmental assessments for the Texas A&M University development project.

**SECTION 5.** Funds in the amount of \$200,000.00 are authorized to be encumbered in cost center 800206001, General Ledger 5201040 entitled "Fees to Professional Contractors", Fund 11001000 entitled "General Fund" payable to Raba-Kistner Consultants, Inc. when a purchase order is issued.

**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 7.** This Ordinance shall be effective December 26, 2004.

**PASSED and APPROVED** this 16<sup>th</sup> day of December, 2004.




M A Y O R  
EDWARD D. GARZA

Attest

  
City Clerk

Approved as to form

  
City Attorney